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| 10/622,962 | 07/17/2003 | Jaswir Singh | RAR425.02 | 4006 |
| 29762 | 7590 | 03/18/2009 | | |
| RICHARD A. RYAN ATTORNEY AT LAW 8497 N. MILLBROOK AVENUE SUITE 101 FRESNO, CA 93720 | | | EXAMINER BROWN, ALVIN L. | |
| | | | ART UNIT 3622 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/622,962

Applicant(s)

SINGH, JASWIR

Examiner

ALVIN L. BROWN

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a non-final, First Office Action on the merits. Claims 1- 30 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-8, 10-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bean (20030120380) in view of Takagi et al., (20080066282).**

As per claim 1 and 21, Bean discloses a method of recycling a substantially non-consumable portion of a product, said method including the steps of:

including a recycling device with said product at the point-of-sale of said product to a consumer (abstract, paragraph [0009]);

depositing one or more of said non-consumable portions of said product in said recycling device (paragraph [0009]);

providing a discount price to said consumer purchasing more of said product and presenting said recycling device (paragraph [0014]).

Bean does not explicitly disclose presenting said recycling device having said non-consumable portions therein to a retailer entity by said consumer when purchasing more of said product; delivering said recycling device having non-consumable portions of said product therein to a recycling facility.

However, Takagi discloses presenting said recycling device having said non-consumable portions therein to a retailer entity by said consumer when purchasing more of said product (paragraph [0068]); and

delivering said recycling device having non-consumable portions of said product therein to a recycling facility (paragraph [0053]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add Takagi's presentation of recycling device and non-consumable portions of products to Bean's recycling device. One would be motivated to do this in order to reduce the rate at which foreign materials enter the water streams.

As per claim 2, Bean further discloses said recycling device is incorporated in or attached to a package for said product (abstract, paragraph [0009]).

As per claim 3, Bean further discloses said recycling device includes a discount marker having a refund amount thereon (paragraph [0009]).

As per claim 4, Bean further discloses said discount marker is removable from said recycling device and said method further comprises the step of removing said discount marker from said recycling device after said presenting step (paragraphs [0034, 0037]).

As per claim 5, Bean further discloses said discount marker includes a refund value to determine said discount price for said product (paragraphs [0034, 0037]).

As per claim 6, Bean further discloses said recycling device includes means for establishing application of said refund value to said discount price (paragraphs [0034, 0037]).

As per claim 7, Bean further discloses the step of indicating application of said recycling device to the purchase of said product after said presenting step so as to prevent further discounting based on said recycling device (paragraphs [0034, 0037]).

As per claim 8, Bean further discloses said recycling device includes a receptacle having a top section opening into at least one interior compartment, means at said top section for seal ably closing said receptacle and means on said receptacle for extinguishing said product when said product is rubbed or crushed against said extinguishing means, said receptacle having a front panel, a spaced apart back panel and at least one side panel, said receptacle having at least an interior side in said interior compartment formed from a generally heat resistant, non-combustible material, said receptacle having a sealed bottom (figure 3A).

As per claim 10, Bean further discloses said receptacle has at least two extinguishing means and said receptacle is configured to fold such that said extinguishing means generally abut each other (figure 3A).

As per claim 11, Bean discloses a small item recycling system, comprising:
said consumer depositing said non-consumable portion of said product in said recycling device; said consumer presenting said recycling device to said retailer entity; and said retailer entity providing a discount price to said consumer for the purchase of more of said product (abstract, paragraph [0009, 0034, 0037]).

Takagi further discloses a retailer entity selling a product having a recycling device associated therewith to a consumer, said product having a consumable portion and a substantially non-consumable portion; a consumer purchasing said product from said retailer entity and consuming said consumable portion of said product (paragraph [0068]).

As per claims 12 and 22, Takagi further discloses said product and said recycling device are provided by a product manufacturer entity that makes said product (paragraph [0004]).

As per claims 13 and 23, Bean further discloses said recycling device is incorporated in a package for said product (paragraph [0009]).

As per claim 14, Takagi further discloses said recycling device is provided by a recycling device manufacturer separate from said product (paragraph [0004]).

As per claims 15 and 25, Bean further discloses said recycling device includes a discount marker having a refund amount thereon (paragraphs [0034, 0037]).

As per claims 16 and 26, Bean further discloses said discount marker is removable from said recycling device and said second retailer entity removes said discount marker from said recycling device after providing said discount price to said consumer (paragraphs [0034, 0037]).

As per claims 17 and 27, Bean further discloses said discount marker includes a refund value to determine said discount price for said product (paragraphs [0034, 0037]).

As per claims 18 and 28, Bean further discloses said recycling device includes means for establishing application of said refund value to said discount price (paragraph [0039]).

As per claims 19 and 29, Bean further discloses the second retailer entity indicates the application of said recycling device to the purchase of said product after providing said discount price to said consumer so as to prevent further discounting based on said recycling device (paragraphs [0003, 0014]).

As per claims 20 and 30, Bean further discloses said recycling device includes a receptacle forming at least one interior compartment, means at said top section for seal ably closing said receptacle and means on said receptacle for extinguishing said product when said product is rubbed or crushed against said extinguishing means, said receptacle having a front panel, a spaced apart back panel and at least one side panel, said receptacle having at least an interior side in said interior compartment formed from a generally heat resistant, non-combustible material, said receptacle having an open top section opening into said interior compartment and a sealed bottom (figure 3A).

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bean (20030120380) in view of Takagi et al., (20080066282) further in view of Clarke et al., (6,350,594).

As per claim 9, the Bean and Takagi combination discloses the claimed invention as in claim 8. The combination does not explicitly disclose said extinguishing means comprises one or more pieces of sandpaper affixed to said receptacle.

However, Clarke discloses an extinguishing means comprises one or more pieces of sandpaper affixed to said receptacle (column 36, line 66-column 37, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add Clarke's sandpaper affixed to a receptacle to the combination's recycling device. One would be motivated to do this in order to dispose of the material contained in the recycle device properly.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN L. BROWN whose telephone number is (571)270-5109. The examiner can normally be reached on Monday - Thursday 7:30 AM to 5:00 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571 272 6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ALB

/Arthur Duran/
Primary Examiner, Art Unit 3622